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Attorney for Plaintiff  
IRMA RAMIREZ

Attorney for Defendants  
PHUONG DUONG dba YUCATASIA  
(erroneously sued as DUONG PHUONG)

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Attorney for Lorraine T.C. Dun, Trustee of the Lorraine T.C. Dun Survivor's Trust; and Trustee of the Edmund Y.K. Dun Bypass Trust

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

IRMA RAMIREZ,

Plaintiff,

v.

YUCATASIA; WAI HO and CHUN MUI  
HO, Trustees of the WAI HO and CHUN  
MUI HO 2001 Revocable Trust;  
LORRAINE T.C. DUN, as Trustee of the  
LORRAINE T.C. DUN SURVIVOR'S  
TRUST; LORRAINE T.C. DUN, as Trustee  
of the EDMUND Y.K. DUN BYPASS  
TRUST; and DUONG PHUONG, an  
individual dba YUCATASIA,

Defendants.

Case No.: 15-CV-01547-EMC

**JOINT FURTHER CASE MANAGEMENT  
STATEMENT**

Date: August 4, 2016  
Time: 10:30 a.m.  
Courtroom: 5, 17<sup>th</sup> Floor  
San Francisco

Judge: Hon. Edward M. Chen

Pursuant to Civil Local Rule 16-9 and the Court's Order, the parties to the above -captioned action jointly submit this Further Case Management Statement.

**NOTE:** As of today's date, the parties to the above-captioned matter have reached a settlement and have a fully executed agreement.

Plaintiff is currently waiting on the settlement funds from the tenant before filing a stipulation of dismissal with prejudice. Settlement funds are currently due **Friday, July 29, 2016**.

Once plaintiff has received the full settlement amount as per the parties' settlement agreement, plaintiff will file a stipulation of dismissal with the Court. As such, the parties respectfully request that all matters currently on calendar be vacated.

### **1. JURISDICTION, VENUE AND SERVICE**

**Jurisdiction:** This Court has jurisdiction of this action pursuant to 28 U.S.C. §1331 for violations of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.* Pursuant to supplemental jurisdiction, attendant and related causes of action, arising from the same nucleus of operative facts and arising out of the same transactions, are also brought under parallel California law, whose goals are closely tied with the ADA, including, but not limited to violation of California Civil Code §51, *et seq.* and §54, *et seq.*, California Health & Safety Code §19955 *et seq.*, including §19959; and California Building Code.

**Venue:** Venue is proper in this court pursuant to 28 U.S.C. §1391(b) and is founded on the facts that the real property which is the subject of this action is located at/near 2164 Mission Street, in the City and County of San Francisco, State of California, and that plaintiff's causes of action arose in this county.

The parties are unaware of any issues concerning personal jurisdiction or venue.

### **Status of Service of Process:**

All parties to the action have been served and have answered.

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1                   **2. BRIEF DESCRIPTION OF CASE/FACTS**

2                   **Plaintiff's Position:**

3                   This is an action brought by Plaintiff for discrimination based upon the defendants' alleged  
4 failure to comply with the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §12101, *et*  
5 *seq.*, the Unruh Civil Rights Act, Cal. Civ. Code §§51 and 51.5, California Health & Safety Code  
6 §19955, *et seq.*, and the California Disabled Persons Act, Cal. Civ. Code §§54, 54.1 and 54.3, all of  
7 which relate to the denial of access to a place of public accommodation.

8                   Plaintiff IRMA RAMIREZ and claimant Daren Heatherly each is a person with physical  
9 disabilities who, on or about June 26, 2014 and February 3, 2015 and ("**deterred thereafter**"), was  
10 an invitee, guest, patron, customer at defendants' YUCATASIA, in the City of San Francisco,  
11 California. At said times and place, plaintiff alleges defendants failed to provide proper legal access  
12 to the restaurant, which is a "public accommodation" and/or a "public facility" including, but not  
13 limited to entrance, dining, accessible route and unisex restroom. Plaintiff IRMA RAMIREZ alleges  
14 that the denial of access was in violation of both federal and California legal requirements, and  
15 plaintiff IRMA RAMIREZ and claimant Daren Heatherly each suffered violation of his/her civil  
16 rights to full and equal access, and was embarrassed and humiliated.

17                   **3. LEGAL ISSUES**

18                   N/A - Case Settled.

19                   **4. MOTIONS**

20                   N/A. Case Settled.

21                   **5. AMENDMENT OF THE PLEADINGS**

22                   N/A - Case Settled.

23                   **6. EVIDENCE PRESERVATION**

24                   N/A - Case Settled.

25                   **7. DISCLOSURES**

26                   N/A - Case Settled.

**8. DISCOVERY**

N/A - Case Settled.

**9. CLASS ACTION**

This case is not a class action.

**10. RELATED CASES**

There are no related cases.

**11. RELIEF**

N/A - Case Settled.

**12. SETTLEMENT AND ADR**

As of today's date, the parties have reached a settlement.

**13. CONSENT TO MAGISTRATE FOR ALL PURPOSES**

N/A - Case Settled.

**14. OTHER REFERENCES**

Not applicable.

**15. NARROWING OF ISSUES**

None at this time.

**16. EXPEDITED TRIAL PROCEDURE**

N/A - Case Settled..

**17. SCHEDULING**

N/A - Case Settled.

**18. TRIAL**

**Plaintiff's anticipated length of trial:**

N/A - Case Settled.

**19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

N/A - Case Settled.

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1                   **20. OTHER MATTERS**

2                   The parties are unaware of any additional matters that will facilitate the just, speedy and  
3 inexpensive disposition of this matter at this time.

4                   Respectfully Submitted,

5                   Dated: July 27, 2016

6                   THOMAS E. FRANKOVICH,  
7 **A PROFESSIONAL LAW CORPORATION**

8                   By: /s/ Thomas E. Frankovich  
9 Thomas E. Frankovich  
10 Attorney for Plaintiff IRMA RAMIREZ

11                   Dated: July 27, 2016

12                   LEPERA + ASSOCIATES, PC

13                   By: /s/ Joseph A. Lepera  
14 Joseph A. Lepera  
15 Attorneys for Defendants  
16 PHUONG DUONG dba YUCATASIA (erroneously  
17 sued as DUONG PHUONG)

18                   Dated: July 27, 2016

19                   LAW OFFICES OF JOSEPH A. SACRAMENTO

20                   By: /s/ David John Foran  
21 David J. Foran  
22 Attorneys for Defendants Lorraine T.C. Dun, Trustee  
23 of the Lorraine T.C. Dun Survivor's Trust; and Trustee  
24 of the Edmund Y.K. Dun Bypass Trust

25                   IT IS SO ORDERED that the further CMC is reset from 8/4/16 to 8/18/16 at 10:30 a.m.  
26 An updated joint CMC Statement shall be filed by 8/11/16. The 8/18/16 CMC will  
27 be vacated once the stipulation for dismissal is filed.

